



International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE FIRST PART* OF THE 1242nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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* The summary record of the second part of the meeting appears as
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at this session will be consolidated in a single corrigendum, to be issued
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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Draft concluding observations concerning the twelfth to fourteenth periodic reports of Norway (in-session document, in English only: CERD/C/51/Misc.31 - future CERD/C/304/Add.40 - future CERD/C/51/CRP.1/Add.24)

Paragraphs 1 and 2

1. Paragraphs 1 and 2 were adopted.

Paragraph 3

2. The CHAIRMAN asked the Committee whether it could agree to replace the phrase "nominating members of a jury among foreigners residing in Norway", towards the end of the second sentence, by the phrase "including resident foreigners in a jury".

3. It was so decided.

4. Paragraph 3, as amended, was adopted.

Paragraphs 4, 5, 6, 7 and 8

5. Paragraphs 4, 5, 6, 7 and 8 were adopted on the understanding that the article "the" would be inserted before the word "culture" in the first line of paragraph 5.

Paragraph 9

6. Mr. RECHETOV said that he would prefer the word "very" in the second line of the paragraph to be deleted.

7. Paragraph 9, as amended, was adopted.

Paragraphs 10, 11 and 12

8. Paragraphs 10, 11 and 12 were adopted.

Paragraph 13

9. Mr. RECHETOV, answering a question from Mr. SHERIFIS, said that it would indeed be rather inadvisable to encourage the party referred to in the penultimate line of the paragraph in the belief that it was a major party. Accordingly, it would be better to delete the adjective "major".

10. Paragraph 13, as amended, was adopted.

Paragraph 14

11. Mr. RECHETOV agreed with Mr. SHERIFIS and Mr. WOLFRUM that it was important to identify clearly the leader of the political party referred to in paragraph 14, who wanted the Sami parliament to be dissolved, since that person's motivations obviously had nothing in common with the fears of a member of the Committee that such an institution might lead to segregation of the Sami. He therefore suggested replacing "a [political party]" by "the above-mentioned [political party]" in the third line of the paragraph.

12. Paragraph 14, as amended, was adopted.

Paragraph 15

13. Mr. ABOUL-NASR said that it would be unwise to refer to foreigners and persons belonging to minority groups in the same terms in paragraph 15 since, while persons belonging to minority groups actually had the same rights, including the right to work, as other citizens of a country, that was not the case for foreign nationals, as emerged from the analysis of article 1, paragraph 2, of the Convention and the interpretation of the right to work given by many countries.

14. Mr. RECHETOV, supported by Mr. WOLFRUM, said he did not share that view but was prepared not to speak of "rights", as long as the notion of protection was retained, and to replace the last part of the sentence with the words "especially in the area of employment and housing".

15. Mr. AHMADU proposed adding the words "and health" in view of the claims that immigrants of African origin were subjected to AIDS tests. If that proposal was not accepted, the Committee might consider drafting a paragraph 15 bis dealing specifically with that question.

16. Mr. RECHETOV said that he favoured a separate paragraph since there appeared to be nothing, apart from such discriminatory treatment, to justify including the situation with regard to health of foreign nationals and members of minority groups in Norway among the "Principal subjects of concern".

17. The CHAIRMAN suggested that the Committee should revert to that question in a paragraph 15 bis of its draft concluding observations.

18. It was so decided.

19. Paragraph 15 was adopted with the amendment proposed by Mr. Rechetov.

Paragraph 15 bis (new paragraph 16)

20. Mr. AHMADU and Mr. WOLFRUM proposed a new paragraph, which would read:

"Concern is also expressed over the reported allegations of the State party's Health Services that immigrants of African descent are generally tested for AIDS."

21. The CHAIRMAN, speaking as a member of the Committee, said that he could not accept that text.

22. Mr. WOLFRUM explained that the term "allegations" was intended to refer to reports that the Norwegian health services had described one group of immigrants as presenting a greater risk than others.

23. The CHAIRMAN, speaking as a member of the Committee, said that as far as he knew such rumours had originated from newspaper articles in which statistical data concerning various groups had been severely distorted.

24. Mr. ABOUL-NASR observed that the Committee had on previous occasions, based its conclusions on reports concerning much less serious cases in which a group had been treated unfairly. He recalled that the Organization of African Unity had received numerous complaints from individuals required to undergo AIDS testing merely on account of being Africans. Those complaints confirmed the information published in the press. Furthermore, it was perfectly natural that the Committee, having already voiced its concerns orally during the consideration of Norway's periodic report, should express those concerns in writing so as to bring them to the attention of the State party.

25. Mr. SHERIFIS said that it was important to specify the source of the allegations.

26. Mr. WOLFRUM said that the two main aspects of the problem were, first, the allegations made publicly by the national health services and, secondly, the fact that those services obliged all African immigrants to submit to tests for HIV. Regardless of the source of the information, there had been a flagrant act of discrimination based on national origin, and the Committee had to take a stand on the matter.

27. The CHAIRMAN suggested amending the text proposed by Mr. Ahmadu and Mr. Wolfrum to read:

"The Committee expresses concern over reports that Africans have been obliged to submit to tests for HIV just because they are Africans."

28. Mr. ABOUL-NASR added that some European countries required Africans wishing to enter their territory to be in possession of certificates proving that they were HIV negative. That, too, was a discriminatory requirement.

29. Mr. GARVALOV proposed a text which would read:

"The Committee is concerned that the State party's Health Services alleged that immigrants of African descent generally disproportionately test positively for HIV."

30. Mr. WOLFRUM proposed that the sentence read out by Mr. Garvalov should be inserted before the text suggested by the Chairman.

31. Paragraph 15 bis (new paragraph 16), as drafted, was adopted.

Paragraphs 16, 17, 18, 19, 20 and 21 (new paragraphs 17, 18, 19, 20, 21 and 22)

32. Paragraphs 16, 17, 18, 19, 20 and 21 (new paragraphs 17, 18, 19, 20, 21 and 22) were adopted.

Paragraph 22 (new paragraph 23)

33. Mr. RECHETOV proposed that, for the sake of consistency, the suggestion of Mr. YUTZIS to insert the words "employment and" before the word "housing" in the second line of the paragraph should be retained.

34. Paragraph 22 (new paragraph 23), as amended, was adopted.

Paragraphs 23 and 24 (new paragraphs 24 and 25)

35. Paragraphs 23 and 24 (new paragraphs 24 and 25) were adopted.

36. The Committee's draft concluding observations concerning the twelfth to fourteenth periodic reports of Norway, as orally amended, were adopted.

Draft concluding observations concerning the sixth to eleventh periodic reports of Burkina Faso (in-session document, in English only:
CERD/C/51/Misc.40 - future CERD/C/304/Add.41 - future CERD/C/51/CRP.1/Add.26)

Paragraphs 1 and 2

37. Paragraphs 1 and 2 were adopted.

Paragraph 3

38. Mr. YUTZIS said he wondered whether the words "may affect" were not too weak.

39. Mr. DIACONU replied that the wording was justified inasmuch as the Committee did not have sufficient information to determine to what extent the economic situation might have contributed to racial discrimination.

40. Paragraph 3 was adopted.

Paragraphs 4 and 5

41. Paragraphs 4 and 5 were adopted.

Paragraph 6

42. The CHAIRMAN suggested that the words "of any kind" should be replaced by the words "on any grounds".

43. Paragraph 6, as amended, was adopted.

Paragraph 7

44. Paragraph 7 was adopted.

Paragraph 8

45. The CHAIRMAN said that, in the first line, he would prefer the wording "use of and instruction in".

46. Paragraph 8, as amended, was adopted.

Paragraph 9

47. Paragraph 9 was adopted on the understanding that the word "by" would be inserted after the word "complaints".

Paragraph 10

48. Paragraph 10 was adopted on the understanding that the word "the" would be inserted between the words "of" and "legal".

Paragraphs 11 and 12

49. Paragraphs 11 and 12 were adopted.

Paragraph 13

50. The CHAIRMAN suggested deleting the word "also" in the first line.

51. Paragraph 13, as amended, was adopted.

Paragraph 14

52. Mr. ABOUL-NASR said that preparing the statistics requested might involve excessive expenditure for the country.

53. Mr. DIACONU proposed that, instead of asking for statistical data, the Committee should request the information called for in paragraph 8 of the reporting guidelines.

54. Mr. SHERIFIS proposed that the word "all" in the second line should be replaced by the word "various", which was less exacting, and that a similar change should be made in the second line of paragraph 11.

55. The CHAIRMAN suggested that the text of the paragraph, after the words "its next report", should be redrafted to read "information in accordance with paragraph 8 of the reporting guidelines and on the representation of ethnic groups at various levels of public life, as well as on their enjoyment of economic, social and cultural rights".

56. It was so decided.

57. Paragraph 14, as amended, was adopted.

58. The suggestion of Mr. Sherifis concerning paragraph 11 was adopted.

Paragraph 15

59. Paragraph 15 was adopted with one minor drafting change.

Paragraph 16

60. The CHAIRMAN suggested replacing the word "attributions", to which Mr. SHAHI objected, by the word "powers".

61. Paragraph 16 was adopted with that amendment.

Paragraph 17

62. Paragraph 17 was adopted.

Paragraph 18

63. Mr. ABOUL-NASR said it should be made clear that the declaration provided for in article 14 of the Convention was optional. Furthermore, there was nothing to suggest that the State party had never considered making such a declaration and it would thus be more appropriate to use the word "reconsidered" instead of the word "considered".

64. The CHAIRMAN said that those two points would be taken into account in future.

65. Paragraph 18, as amended, was adopted.

Paragraph 19

66. Paragraph 19 was adopted.

67. The Committee's draft concluding observations concerning the sixth to eleventh periodic reports of Burkina Faso, as orally amended, were adopted.

Draft concluding observations concerning the seventh to tenth periodic reports of Burundi (in-session document, in English only: CERD/C/51/Misc.42 - future CERD/C/304/Add.42 - future CERD/C/51/CRP.1/Add.23)

Paragraph 1

68. Paragraph 1 was adopted.

Paragraph 2

69. Mr. DIACONU proposed that the words "and on the actual enjoyment by the population of its rights" should be deleted.

70. Paragraph 2, as amended, was adopted.

Paragraph 3

71. Mr. DIACONU proposed that the words "and flows of refugees" should be inserted after the words "the massive displacements of populations".

72. Paragraph 3, as amended, was adopted.

Paragraph 4

73. Paragraph 4 was adopted.

Paragraph 5

74. Mr. SHAHI indicated that the International Herald Tribune newspaper had recently reported a statement by the President of Burundi to the effect that peace talks aimed at national reconciliation would be held in September in the United Republic of Tanzania. He therefore proposed replacing the text of paragraph 5 with a new text in which the Committee would welcome the holding of those negotiations.

75. Mr. ABOUL-NASR said he doubted the appropriateness of welcoming a statement that had not been confirmed by the delegation of Burundi.

76. Mr. SHAHI pointed out that he had referred to the statement in the presence of the Burundian delegation, which had not denied it. In addition, the delegation had stated categorically that proceedings would be taken against persons suspected of having committed human rights violations.

77. After a discussion in which Mr. WOLFRUM, Mr. van BOVEN, Mr. AHMADU and Mr. SHAHI took part, Mr. SHAHI proposed that paragraph 5 should read: "The Committee welcomes the declared willingness of the State party to restore peace and security in Burundi through a political dialogue to be held in September 1997 in the United Republic of Tanzania, which, hopefully, could produce a government satisfactory to all sides. The declared policy of the Government to end impunity for perpetrators of human rights violations is also welcomed."

78. It was so decided.

79. Paragraph 5, as amended, was adopted.

Paragraphs 6 and 7

80. Paragraphs 6 and 7 were adopted.

Paragraph 8

81. Mr. DIACONU proposed that the paragraph should be deleted.

82. Paragraph 8 was deleted.

Paragraph 9 (new paragraph 8)

83. Mr. de GOUTTES proposed the deletion of the words "one or more".
84. Mr. ABOUL-NASR proposed inserting the word "oral" before the word "invitation".
85. Paragraph 9 (new paragraph 8), as amended, was adopted.

First paragraph of section D (new paragraph 9)

86. Mr. WOLFRUM read out a new paragraph proposed by Mr. Diaconu, which would be inserted at the beginning of section D and would read: "The main concern of the Committee is with the continuation of acts of violence and killings between persons of different ethnic background in Burundi".
87. New paragraph 9 was adopted.

Paragraph 10

88. Paragraph 10 was adopted.

Paragraph 11

89. Mr. WOLFRUM suggested, at the request of Mr. van Boven, that the words "its concluding observations of 17 March 1994" should be inserted at the end of the first line.
90. Paragraph 11, as amended, was adopted.

Paragraph 12

91. Paragraph 12 was adopted.

Paragraph 13

92. Mr. ABOUL-NASR proposed the deletion of paragraph 13.
93. Mr. WOLFRUM recognized that the request for information on the representation of members of the Tutsi, Hutu and Twa ethnic groups could be transferred to paragraph 22 and that paragraph 13 could then be deleted.
94. It was so decided.

Paragraph 14 (new paragraph 13)

95. The CHAIRMAN proposed that the paragraph should be supplemented with a sentence reading: "The Committee calls the State party's attention to its general recommendation XIX (47)".
96. Paragraph 14 (new paragraph 13), as amended, was adopted.

Paragraph 15 (new paragraph 14)

97. Following a discussion in which Mr. WOLFRUM, Mr. AHMADU, Mr. YUTZIS, Mr. SHERIFIS and Mr. DIACONU took part, the CHAIRMAN suggested that the paragraph should read:

"Concern is expressed over reports of delay in the process of prosecuting those responsible for the assassination of President Ndadaye. The Committee is equally concerned over the slow process of prosecuting and punishing perpetrators of mass killings and disappearances. The delays cast doubt upon the effective implementation of the Government's policy of ending the pattern of impunity."

98. Paragraph 15 (new paragraph 14), as amended, was adopted.

Paragraph 16 (new paragraph 15)

99. Mr. WOLFRUM suggested, at the request of Mr. Diaconu, the insertion of the word "fully" in the first line of the paragraph before the word "implement".

100. It was so decided.

101. Paragraph 16 (new paragraph 15), as amended, was adopted.

Paragraph 17 (new paragraph 16)

102. Mr. SHERIFIS proposed that the words "each and all" should be replaced by the words "the various" in the first line.

103. Paragraph 17 (new paragraph 16), as amended, was adopted.

Paragraph 18 (new paragraph 17)

104. The CHAIRMAN suggested amending the beginning of the paragraph to read: "The insufficiency of the information received ...".

105. Mr. AHMADU proposed that the words "those camps" should be replaced by the words "the camps" in the second line of the paragraph.

106. Paragraph 18 (new paragraph 17), as amended, was adopted.

Paragraph 19 (new paragraph 18)

107. Paragraph 19 (new paragraph 18) was adopted.

Paragraph 20 (new paragraph 19)

108. Mr. WOLFRUM suggested, at the request of Mr. Diaconu, that the words "to the courts" should be deleted in the fourth line and that two commas

should be inserted in the following line, which would thus read "the publicity given to, and the effectiveness of, available remedies ...".

109. Paragraph 20 (new paragraph 19), as amended, was adopted.

Paragraph 21 (new paragraph 20)

110. Paragraph 21 (new paragraph 20) was adopted.

Paragraph 22 (new paragraph 21)

111. Mr. WOLFRUM confirmed, at the request of Mr. Sherifis, that the paragraph reproduced in part the recommendations made by the Committee in its decision 1 (47) of 16 August 1995.

112. Mr. ABOUL-NASR said he thought that the recommendations were unrealistic.

113. Mr. WOLFRUM pointed out that the wording reproduced the text of a decision that had been adopted by consensus. If those recommendations remained valid, the Committee should keep to them or else delete the whole of paragraph 22.

114. Mr. YUTZIS and Mr. van BOVEN said that the paragraph should be retained, even if the recommendations could be implemented only in the very long term.

115. Mr. DIACONU proposed, by way of a compromise, that the paragraph in question should read: "The Committee reiterates the recommendations made in its decision 1 (47) of 16 August 1995 and, while recognizing that the process may be lengthy, expresses its firm conviction that a durable solution makes it necessary to take them into account."

116. Mr. WOLFRUM proposed, for his part, that the beginning of the paragraph should be deleted and another sentence added at the end. The paragraph would thus read: "The Committee recommends that the next periodic report provide information on the representation of members of the Tutsi, Hutu and Twa ethnic groups in the Government, the administration, the judiciary, the police and the army. It further recommends that the Government, while restructuring the country, take decision 1 (47) of 16 August 1995 into consideration."

117. Mr. van BOVEN said he could accept the text proposed by Mr. Wolfrum provided that it enumerated, at the end, the three decisions taken previously by the Committee concerning Burundi, as in paragraph 11.

118. Mr. ABOUL-NASR said that he could also accept Mr. Wolfrum's proposal, but wished to point out that States parties to the Convention must all be treated alike and that the situation under consideration was not peculiar to Burundi.

119. The CHAIRMAN suggested that the wording proposed by Mr. Wolfrum for paragraph 22 should be adopted, with the end of the second sentence amended

to read: "and take into consideration the Committee's concluding observations of 17 March 1994, its decision 1 (47) of 1995 and its resolution 1 (49) of 1996".

120. It was so decided.

121. Paragraph 22 (new paragraph 21), as amended, was adopted.

Paragraph 23 (new paragraph 22)

122. Paragraph 23 (new paragraph 22) was adopted.

Paragraph 24 (new paragraph 23)

123. Mr. WOLFRUM proposed deleting the words "and apartheid" in the last line.

124. Paragraph 24 (new paragraph 23), as amended, was adopted.

Paragraph 25 (new paragraph 24)

125. Paragraph 25 (new paragraph 24) was adopted with one minor drafting change.

Paragraph 26 (new paragraph 25)

126. Paragraph 26 (new paragraph 25) was adopted.

Paragraph 27 (new paragraph 26)

127. Paragraph 27 (new paragraph 26) was adopted with one minor drafting change.

Paragraph 28 (new paragraph 27)

128. Paragraph 28 (new paragraph 27) was adopted.

Paragraph 29 (new paragraph 28)

129. Mr. WOLFRUM proposed, at the Chairman's suggestion, that the paragraph should be amended to read: "The Committee also requests that information on measures taken to ensure the safe repatriation of refugees to Burundi, as well as on the measures taken to protect refugees living in Burundi from violence, be provided in the State party's next periodic report."

130. Mr. SHERIFIS said that the proposed wording was not very felicitous.

131. The CHAIRMAN suggested that the paragraph should read: "The Committee also requests information in the next periodic report on measures taken to ensure the safe repatriation of refugees to Burundi and to protect from violence refugees living within Burundi."

132. It was so decided.

133. Paragraph 29 (new paragraph 28), as amended, was adopted.

Paragraph 30 (new paragraph 29)

134. Mr. YUTZIS suggested deleting the word "fully" in the penultimate line of the paragraph.

135. Mr. SHERIFIS said that he would prefer the end of the paragraph to read: "guaranteed in law and practice".

136. Paragraph 30 (new paragraph 29), as amended, was adopted.

Paragraph 31 (new paragraph 30)

137. Paragraph 31 (new paragraph 30) was adopted.

Paragraph 32 (new paragraph 31)

138. Mr. SHAHI proposed that the paragraph should read: "The Committee urges the Burundi authorities to take all necessary measures, in cooperation with the neighbouring countries, to find ways and means to restore peace and security in Burundi and in the region."

139. Mr. GARVALOV said that by opting for such a wording the Committee would be making a political statement unrelated to the Convention since there would be no mention of ethnic conflict.

140. Mr. RECHETOV proposed that the paragraph under consideration, in which the word "ethnic" would be deleted from the second line, should be combined with the text proposed by Mr. Shahi so as to read: "The Committee, being aware that the resolution of the ethnic conflict in Burundi cannot be achieved without the resolution of the conflict in the Great Lakes region, urges the Burundi authorities ..."; the rest of the paragraph would be worded as proposed by Mr. Shahi.

141. Mr. AHMADU proposed the deletion of the words "and in the region" at the end of the text proposed by Mr. Shahi.

142. It was so decided.

143. The CHAIRMAN suggested adopting the wording proposed by Mr. Rechetov, which was a compromise between the paragraph as drafted and the text of Mr. Shahi.

144. It was so decided.

145. Paragraph 32 (new paragraph 31), as orally amended, was adopted.

Paragraph 33 (new paragraph 32)

146. Paragraph 33 (new paragraph 32) was adopted.

Paragraph 34

147. Mr. ABOUL-NASE and Mr. van BOVEN said that it was inappropriate to refer to the declaration provided for in article 14 of the Convention given the situation in Burundi.

148. The CHAIRMAN suggested that paragraph 34 should be deleted.

149. It was so decided.

Paragraph 35 (new paragraph 33)

150. Paragraph 35 (new paragraph 33) was adopted.

151. The Committee's draft concluding observations concerning the seventh to tenth periodic reports of Burundi, as orally amended, were adopted.

152. Mr. AHMADU remarked that the Committee's concluding observations contained at least 15 requests for information or additional information which Burundi, like some other African countries, would be virtually unable to meet.

153. The CHAIRMAN assured Mr. Ahmadu that his statement would be reflected in the record.

Review of the implementation of the Convention in States parties whose reports are excessively overdue (continued)

Suriname: draft concluding observations (in-session document, in English only: CERD/C/51/Misc.22 - future CERD/C/51/CRP.1/Add.19)

Paragraph 1

154. Paragraph 1 was adopted.

Paragraph 2

155. Mr. de GOUTTES said that it might be useful to insert a phrase at the beginning of paragraph 2 reading: "While understanding the internal difficulties faced by the State party, ...". In addition, he proposed the insertion, after the first sentence, of a sentence that would read: "The

multi-ethnic composition of the population and the existence of indigenous communities in Suriname make the implementation of the Convention particularly important."

156. Mr. GARVALOV suggested that paragraph 1 should be prefaced with a sentence that would read: "In conformity with the decision of the Committee to consider the implementation of the Convention in States parties which have not yet submitted their initial reports, the Committee considered the case of Suriname." That would make it clear that the situation in Suriname had been examined not in an arbitrary manner but pursuant to a prior decision of the Committee - approved by the General Assembly of the United Nations - concerning States parties which had not yet submitted their initial reports.

157. Mr. ABOUL-NASR pointed out that other States, including the United States of America, were as late as Suriname in submitting their initial reports and that the implementation of the Convention in those countries would therefore have to be examined following the same procedure.

158. The CHAIRMAN said that the initial report of the United States of America was not, like that of Suriname, five years overdue. He suggested including the sentence proposed by Mr. Garvalov in the letter accompanying the text of the Committee's concluding observations to be sent to the Government of Suriname.

159. It was so decided.

160. The CHAIRMAN read out the amendment to paragraph 2 proposed by Mr. de Gouttes:

"While understanding the internal difficulties faced by the State party, the Committee regretted that Suriname (...) to furnish relevant information. The multi-ethnic composition of the population and the existence of indigenous communities in Suriname make the implementation of the Convention particularly important. The Committee decided (...) as soon as possible."

161. Paragraph 2, as amended, was adopted.

Paragraph 3

162. Mr. AHMADU proposed replacing the words "an updated report drafted" by the words "submitting its initial report" in the last line of paragraph 3.

163. Paragraph 3, as amended, was adopted.

164. The Committee's draft concluding observations concerning the implementation of the Convention in Suriname, as orally amended, were adopted.

Guyana

165. Mrs. SADIO ALI, Rapporteur for Guyana, said that the Government of Guyana had ratified the Convention in March 1977 but had not submitted to the Committee either its initial report or its second to tenth periodic reports,

due in 1978 and 1996, respectively. It had, however, submitted a core document on 28 June 1995. Guyana's failure to submit its periodic reports was probably due to its shortage of resources. It would perhaps be appropriate to recommend to the Government of Guyana that it should avail itself of the technical assistance offered by the High Commissioner/Centre for Human Rights under the advisory services programme.

166. In 1980, Guyana had a total population of 758,619, making it one of the least densely populated countries in the world. Its population was composed of East Indians (389,760), Africans (231,330), Portuguese (2,975) and Chinese (1,842), as well as Amerindians (39,867), Mixed (83,763) and others (9,082).

167. With regard to education, the adult illiteracy rate (3.6 per cent) was one of the lowest in the western hemisphere. In 1989, the school enrolment rate for children aged 6 to 17 years had been 82 per cent. The average unemployment rate was 13.5 per cent and life expectancy was about 70 years. The infant mortality rate had been estimated at 36.2 per 1,000 live births over the period 1980-1985. The principal religious communities were Christians, Muslims and Hindus. The country's official language was English, and Hindi, Urdu and certain Amerindian languages were also used.

168. The Amerindians lived in the vast undeveloped tropical forest regions of the country. Their standard of living was much lower than that of other citizens and they could not readily participate in taking decisions affecting their lands, culture and traditions and the allocation of natural resources. Amerindian life was regulated by the Amerindian Act, legislation dating from colonial times and designed to protect the indigenous peoples from exploitation. The Act gave the Government the power to determine who was an Amerindian and what was an Amerindian community, to appoint Amerindian leaders and, where necessary, to annul decisions made by Amerindian councils. That legislation was too restrictive and needed to be revised.

169. At a conference in February 1996 sponsored by the World Bank, the President of Guyana had promised to demarcate the lands to which Amerindians were entitled and to protect their resources from exploitation by foreign and local investors. It was not known whether the process of demarcation of indigenous lands had begun. However, some Amerindian non-governmental organizations - the Guyanese Organization of Indigenous Peoples and the Amerindian Peoples Association - had certainly declared that the World Bank-financed construction of roads through tribal lands had resulted in the decline of the Yanomani, Napishama, Nimbicara and Macushi communities living in the area south-west of the Rupunini river. The Government had promised to encourage the economic development of the Amerindian population and had appointed a Minister of Amerindian Affairs.

170. Political and social life continued to be marked by long-standing ethnic tensions, primarily between Guyanese of African and Indian descent. Discrimination and exclusion continued to occur. The Indo-Guyanese generally opted for a business or professional career. Some of them felt that the People's National Congress, while in power from 1965 to 1992, had established a pattern of racial discrimination in favour of the Afro-Guyanese. The Afro-Guyanese were very heavily represented in the civil service and the defence and police forces. Many of them felt that they had been the victims

of measures of racial discrimination and political persecution since the coming to power of the People's Progressive Party, which was largely made up of Indo-Guyanese. However, citizens were free to join any of the 17 political parties and organizations active in Guyana. The People's Progressive Party, the former opposition party, had taken office after the 1992 general elections, which had been considered free and fair by foreign observers.

171. Guyana had become a republic, within the Commonwealth, on 23 February 1970. The new Constitution, promulgated on 6 October 1980, guaranteed the fundamental rights of all persons regardless of race, sex or religious or national origin. It would seem, however, that the Government did not always make sure that its provisions were duly applied. It was not clear whether the provisions of the Constitution were consistent with articles 1 and 5 of the Convention. However, the core document submitted in 1995 stated that the provisions of the Convention could be invoked directly before courts other than administrative tribunals.

172. Supreme executive authority was exercised by the President, who appointed the leader of the opposition. He also appointed an ombudsman, after consultation with the minority leader, for a four-year term of office. The Constitution guaranteed the independence of the judiciary, a provision that was generally respected, but the slowness and inefficiency of the judicial system undermined due process. Reform programmes designed to improve legal structures and judicial procedures, to upgrade technical facilities and to improve the efficiency of the courts seemed to be having some positive effects.

173. The death penalty had not been abolished and, according to Amnesty International, at least four people had been sentenced to death in 1996 and 19 people remained under sentence of death for murder. However, no executions had been carried out. Instances of police violence had been reported. Three people had been killed by the police, four others had died in custody and 30 cases of police assaults and brutality had been recorded. In 1995, the police had received 113 complaints from citizens claiming to have been victims of police brutality. In addition, 32 police officers had been charged and tried for criminal offences, 5 others had been dismissed from the police force and several others had been disciplined. There was reportedly a marked loss of public confidence in the police force.

174. Concerning the situation of the Amerindian population, the Committee should request the Government of Guyana to indicate how far the Amerindian population participated in political life and enjoyed the socio-economic benefits provided by the State, in accordance with the principles set forth in article 5 of the Convention. Social indicators would be particularly useful in that regard. The Committee should also request the Government of Guyana to specify whether the Minister of Amerindian Affairs was of Amerindian origin. It should, in addition, request the Government to provide it with information on the composition and terms of reference of the independent commissions on the judiciary, the civil service and the police. Lastly, it should ask the Government to indicate whether specific criminal legislation prohibiting racist organizations had been promulgated pursuant to article 4 of the

Convention. The Committee should, furthermore, draw the Government's attention to its general recommendation XIII (42) on the training of law enforcement officials in the protection of human rights.

175. The CHAIRMAN said that, following the review procedure it had adopted in the case of Suriname and taking into account the report by Mrs. Sadiq Ali on the implementation of the Convention in Guyana, the Committee might wish to transmit to Guyana a communication regarding the submission of that country's periodic reports and also include, in its annual report to the General Assembly, the text of its concluding observations concerning Guyana. If it so wished, the Committee could consider its draft concluding observations the following day.

176. It was so decided.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 4) (continued)

Papua New Guinea

177. Mr. GARVALOV, Rapporteur for Papua New Guinea, indicated that the State party had not submitted a new report on the implementation of the Convention since 1984. He had based his comments on a variety of sources: the report of the Secretary-General of the United Nations on human rights violations in the Papua New Guinea island of Bougainville (E/CN.4/1996/58); the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Bougainville from 23 to 28 October 1995 (E/CN.4/1996/4/Add.2); the report prepared by the same Special Rapporteur pursuant to Commission on Human Rights resolution 1996/74 (E/CN.4/1997/60/Add.1); the consideration by the Committee, on 12 August 1994, of the implementation of the Convention in Papua New Guinea (CERD/C/SR.1060); the Committee's concluding observations concerning Papua New Guinea, adopted on 14 August 1994 (A/49/18); the United States Department of State Report for 1996 and the Amnesty International Report 1996.

178. In 1994, the Committee had, inter alia, urged the State party to resume the dialogue with it and to report. In addition, the Committee had requested information from the State party about the implementation of the Convention in the country as a whole and about the situation prevailing in Bougainville in particular. It had also suggested to the State party that it should cooperate with the Secretary-General of the United Nations and avail itself of the services of the Office of the United Nations High Commissioner/Centre for Human Rights with a view to the preparation of its reports, and had restated its willingness to accept any request by the Government of Papua New Guinea to provide technical assistance with a view to re-establishing a dialogue between the Government and the group controlling Bougainville. There had been no response to its suggestions and recommendations. However, the Government had requested the Secretary-General of the United Nations to send representatives to provide assistance in a new round of discussions between the Government and the main Bougainville parties. The Government had also received the Special Rapporteur on extrajudicial, summary or arbitrary executions.

179. There had been some major political developments in Papua New Guinea since August 1994, when the Committee had last considered the implementation of the Convention in that country. A Bougainville Transitional Government (BTG) had been formed in April 1995 to carry out the functions of a provincial government pending agreement on the island's constitutional status. The Bougainville Revolutionary Army (BRA) had refused to take up the seats reserved for it in the Transitional Government (E/CN.4/1996/58).

180. In June 1995, the Parliament had passed the new Organic Law on Provincial Governments and Local-Level Governments, which would come fully into effect in 1997 (E/CN.4/1996/58). The Secretary-General of the United Nations, following a request by the Prime Minister of Papua New Guinea, had sent a representative to participate in the All-Bougainville Leaders' Talks, which had been held in Cairns, Australia, in December 1995 and had been attended by delegations of the Bougainville Transitional Government, headed by the Premier, Mr. Miriung, and of the Bougainville Interim Government (E/CN.4/1996/58, para. 9). The two delegations had committed themselves to a process of dialogue that would permit the achievement of a political settlement to the conflict and they had expressed their intention to convene a new round of talks in Bougainville in 1996.

181. The peace process had since been undermined by a series of incidents. The returning delegation of the Bougainville Interim Government and the Bougainville Revolutionary Army had reportedly been the target of attacks, and a marked increase had been reported in the number of rebel attacks on the security forces, civilians and government installations. The Government of Papua New Guinea had yet to communicate to the Secretary-General whether it had given formal approval to the Cairns agreements. It had, however, insisted on the holding of preliminary meetings with the help of the United Nations in Papua New Guinea territory, but the Interim Government and the Bougainville Revolutionary Army were unwilling to accept for security reasons.

182. On 12 October 1996, Mr. Miriung had been killed. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the United States Department of State and Amnesty International, other such executions had been perpetrated and Amnesty International reported a number of cases of "disappearances" in Bougainville. Furthermore, the United States Department of State report referred to numerous cases of discrimination and violence against women and the disabled, as well as ethnically motivated tribal violence.

183. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4/Add.2, para. 78), the crisis had begun when it had been perceived by Bougainvilleans that profits from the mining operations of Bougainville Copper Limited (BCL) should not be distributed equally to all provinces but should be allocated mainly to the people of Bougainville. In the Special Rapporteur's view, that was an issue to be settled by the parties concerned, but the Government of Papua New Guinea nevertheless had the duty to safeguard the human rights of all the people of Papua New Guinea in all circumstances. The Special Rapporteur further stated that the Bougainville Transitional Government seemed to be playing a role which was acceptable to the people of Bougainville as well as to the Government of Papua New Guinea, and that it should therefore be supported and

encouraged. He concurred with the Special Rapporteur but felt that the Bougainville crisis could not be resolved without the agreement of the Bougainville Interim Government and the Bougainville Revolutionary Army.

184. The State party needed to report to the Committee and to provide it with information about the latest developments concerning the situation in Bougainville and indicate the steps it was taking to resolve the crisis. Those two requests would have to be included in the Committee's concluding observations on Papua New Guinea. The problem of Bougainville remained unresolved and, unfortunately, was becoming more acute.

185. The CHAIRMAN said he took it that the Committee wished to keep the situation in Papua New Guinea under review.

186. It was so decided.
